



March 3, 2005

Michael Powell
Chairman
Federal Communications Commission
445 12th Street, N.W.
Washington, DC 20544

**RE: National Association of State Utility Consumer Advocates' Petition for
Declaratory Ruling Regarding Truth-in-Billing and Billing Format.
CG Docket No. 04-208**

Dear Chairman Powell:

AARP reiterates its strong support for the National Association of State Utility Consumer Advocates ("NASUCA") truth-in-billing petition for declaratory ruling and urges the Commission to reject any order that weakens this petition. We are concerned by reports in the news suggesting that the Commission might act to undermine the original pro-consumer intent of the petition and unnecessarily preempt state regulators' ability to protect telecommunications consumers.

The purpose of NASUCA'S petition was to alleviate the frustration and confusion consumers experience with their wireless service providers' billing practices. In the comments AARP filed in support of NASUCA's petition, we stated: "It is because older Americans place such a high value on telephone service that AARP is so concerned about the complex and confusing price structures and marketing strategies that are widely employed in the telecommunications industry." In our view, NASUCA's original petition was an excellent first-step in resolving some of these concerns.

Reports also indicate the FCC will eliminate the original truth-in-billing order's exemption of wireless carriers from the requirement that bills include "brief, concise, separate and truthful descriptions of billed charges." While we would welcome and support action by the FCC to remove this exemption, taking this action at the expense of state regulators' ability to protect their consumers is an unnecessary federal preemption. This trade-off comes at too high a cost for consumers.

The FCC should give great weight to the harm to consumers that will result from approving an order that does not address the original intent of the NASUCA petition. At the very least, the FCC should delay action on this petition until further consideration can be given to the impact it will have on telecommunications consumers. While the record in this proceeding is replete with comments from consumer organizations in support of NASUCA's petition, the question of federal preemption was not addressed. The public

should be offered the opportunity to comment on the potential adverse consequences for consumers from such a significant measure.

Thank you for the opportunity to voice our concerns. If you have any questions, please feel free to call me or contact Debra Berlyn of our Federal Affairs Department at (202) 434-3800.

Sincerely,

A handwritten signature in black ink, appearing to read "David Certner", with a long horizontal flourish extending to the right.

David Certner
Director
Federal Affairs

Cc: Commissioner Kevin Martin
Commissioner Kathleen Abernathy
Commissioner Michael Copps
Commissioner Jonathan Adelstein